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D015/92,749

**DECLARATION AND POWER OF ATTORNEY
FOR A PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

TREATMENT FOR INSULIN DEPENDENT DIABETES

the specification of which:

(check one) is attached hereto.

was filed on Feb. 9, 1993 as
Application Serial No. 08/029,330
and was amended on --
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application.

I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

| Priority Claimed | | | | | | |
|---------------------|----------|-----------|-----|------------------------|-----|----|
| [] | (Number) | (Country) | [] | (Day/Month/Year filed) | Yes | No |
| [] | (Number) | (Country) | [] | (Day/Month/Year filed) | Yes | No |
| [] | (Number) | (Country) | [] | (Day/Month/Year filed) | Yes | No |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States Patent application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|--------------------------|---------------|--------------------------------------|
| (Application Serial No.) | (Filing Date) | (Status: patented/pending/abandoned) |
| (Application Serial No.) | (Filing Date) | (Status: patented/pending/abandoned) |

As a named inventor, I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Leon R. Yankwich (Reg. No. 30,237)
 Janet M. McNicholas (Reg. No. 32,918)
 John P. Iwanicki (Reg. No. 34,628)
 Kevin E. Noonan (Reg. No. 35,303)
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75 State Street
Boston, Massachusetts 02109.

Direct telephone calls to: Janet M. McNicholas, telephone: (312) 715-1000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of first inventor Linda C. Burkly

First Inventor's signature Linda C. Burkly 4/5/93
Date

Residence West Newton, Massachusetts (USA)

Citizenship United States

Post Office Address 34 Winthrop Street, West Newton, Massachusetts 02165 (USA)

Full name of second inventor _____

Second Inventor's signature _____ Date

Residence _____

Citizenship _____

Post Office Address _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE #5

Application of : Lindsay C. Burkly
Serial No. : 08/029,330
Filed : February 9, 1993
Entitled : Treatment for Insulin Dependent Diabetes
Attorney Docket No. : D015/92,749

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(F) AND 1.27(C)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN : Biogen, Inc.
ADDRESS OF CONCERN: 14 Cambridge Center
Cambridge, MA 02142

I hereby further declare that the above-identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under 35 U.S.C. § 41(a) and (b) in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that all rights under contract or law have been conveyed to and remain with **Biogen, Inc.** with regard to the invention described in the patent application identified above.

The rights held by **Biogen, Inc.** are exclusive.

I acknowledge the duty to file in the above-identified application, or in a patent issuing thereon, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which the status as a small entity is no longer appropriate.

(37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

April 6, 1993
date

Leon R. Yankwich
Leon R. Yankwich
Patent Counsel
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Cambridge, MA 02142